

State of California

Franchise Tax Board-Legislative Services Bureau
PO Box 1468
Sacramento, CA 95812-1468

Telephone: (916)845-4326
ATSS: 468-4326
FAX: (916)845-5472

Legislative Change No.

01-10

Bill Number: AB 192

Author: Canciamilla

Chapter Number: 01-243

Laws Affecting Franchise Tax Board: Government Code Sections 11121, 11121.1, 11121.2, 11121.7, 11121.8, 11122.5, 11123, 11125, and 11125.3

Date Filed with the Secretary of the State: September 6, 2001

SUBJECT: State Bodies/Open Meetings

Assembly Bill 192 (Canciamilla), as enacted on September 6, 2001, made the following changes to California law:

This act would make various revisions to the existing Bagley-Keene Open Meeting Act, which pertains to meetings of state bodies.

Section 11121 of the Government Code is amended.

This act defines "state body" as any:

- state board, commission, or similar multimember body of the state that is created by statute;
- board, commission, committee, or multimember body that exercises any authority of a state body delegated to it by that state body (*previous Government Code Section 11121.2*);
- board or commission where a member of a state body serves as a representative of that body and is supported by funds provided by the state body (*previous Government Code Section 11121.7*); and
- advisory board or committee, consisting of three or more members, which is created by formal action of the state body (*previous Government Code Section 11121.8*).

Section 11121.1 of the Government Code is added.

This act defines agencies and districts that are excluded from the definition of "state body" (*previous provisions of Government Code Section 11121*).

Section 11121.2 of the Government Code is repealed.

This act eliminates language defining "state body" as any board, commission, committee, or multimember body that exercises any authority of a state body delegated to it by that state body.

Bureau Director

Jana Howard for BP

Date

October 12, 2001

Section 11121.7 of the Government Code is repealed.

This act eliminates language defining “state body” as any of a variety of boards or commissions where a member of a state body serves as a representative of that body and is supported by funds provided by the state body.

Section 11121.8 of the Government Code is repealed.

This act eliminates language defining a “state body” as any of a variety of advisory boards or committees, consisting of three or more members, which is created by formal action of the state body.

Section 11122.5 of the Government Code is added.

This act:

- defines the term “meeting” as any state body gathering with a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item within their subject matter jurisdiction.
- prohibits the use of direct communication, personal intermediaries, or technological devices by members of the state body to develop a collective concurrence on an action to be taken on an item at a noticed meeting.
- lists various scenarios where a majority of the members of a state body may be in attendance and not be considered attending a “meeting,” so long as the members of the state body do not discuss among themselves specific business under their jurisdiction. These scenarios include those that are:
 - an individual contact between a state body member and any other person.
 - a conference or similar gathering to discuss issues of general interest that is open to the public.
 - an open and publicized meeting organized by someone other than the state body to discuss state concerns.
 - an open and noticed meeting of another state body or a legislative body of a local agency.
 - a purely social or ceremonial occasion.
 - an open and noticed meeting of a standing committee of a state body, so long as members of the state body who are not members of the standing committee attend only as observers.

Section 11123 of the Government Code is amended.

This act requires an agenda to be posted at all teleconference locations for a teleconference meeting or proceeding.

Section 11125 of the Government Code is amended.

This act requires an agenda for any meeting to include a brief description of the items to be discussed in an open or closed session.

Section 11125.3 of the Government Code is amended.

This act requires a notice to be posted on the Internet when a state body intends to take action on an item not included on a posted agenda due to an emergency situation or the need arises to take immediate action.

This act is effective on January 1, 2002, and applies on and after that date.

This act will not require any reports by the department to the Legislature.